

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

Emilio Rodríguez Méndez  
Debtor

CASE NUM.: 10-04317 SEK

CHAPTER 13

**MOTION TO WITHDRAW PROOF OF CLAIM # 1**

**TO THE HONORABLE COURT:**

**COMES NOW Citibank NA**, hereinafter referred to as “CITI”, through the undersigned attorney and very respectfully states, alleges and prays:

- 1) On June 30, 2010, CITI filed a Proof of Claim as a secured creditor, claim number 1.
- 2) CITI filed motion for relief of stay pursuant to 11 U.S.C 362 on the grounds that the debtor failed to comply with the terms of the plan.
- 3) An order lifting the automatic stay was lifted in favor of movant. Movant intends to pursue the collateral therefore hereby withdraws proof of claim number 1.

**WHEREFORE** CITI respectfully requests from this Honorable Court to grant this motion.

**RESPECTFULLY SUBMITTED**

**I HEREBY CERTIFY** that on February 1, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: the Trustee **Alejandro Oliveras Rivera** and to the debtor’s attorney, **José M. Prieto Carballo**.

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***s/ Vanessa M. Torres Quiñones***

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